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OLC 79-244

18 JAN 1979

OGC-79-00613
19 Jan 79

MEMORANDUM FOR: Director of Central Intelligence

VIA: Office of Legislative Counsel
Office of General Counsel

FROM: Don I. Wortman
Deputy Director for Administration

SUBJECT: Records Destruction Authorization

1. Action Requested: Signature on the attached Headquarters Notice establishing records destruction authority effective immediately.

2. Background:

a. As you know the moratorium on the destruction of Agency documents imposed in 1975 in connection with the activities of the Church Committee was formally lifted by Chairman Inouye of the Senate Select Committee on Intelligence on 21 December 1977 (see Tab A).

b. During the past year the moratorium has been continued as a result of actions taken by the House Select Committee on Assassinations. On 17 May 1978 Chairman Stokes, in a letter to Dr. James Rhoads, Archivist of the United States, requested suspension of our records control schedules and deferral of normal disposition under those schedules until 31 December 1978 (see Tab B). The Archivist's agreement was conveyed to you in a letter of 5 June 1978 (see Tab C).

c. On 8 January 1979, at your request, letters were delivered to the House Permanent Select Committee on Intelligence, Senate Select Committee on Intelligence and the Senate and House Subcommittees on Defense Committee on Appropriations advising them of the Agency's intent to proceed with the normal destruction of records (see Tab D). To date we have had no response.

d. Accordingly, since the extended moratorium on the destruction of our records expired on 31 December 1978, we are ready to proceed, based upon your approval of the proposed notice, with routine records destruction beginning immediately.

SUBJECT: Records Destruction Authorization

3. Staff Position: The Offices of Legislative Counsel and General Counsel agree with the substance of this memorandum.

4. Recommendation: That you sign the attached Headquarters Notice Records Destruction Authorization.

/s/ Don Wortman

Don I. Wortman

Attachment

for DCI signature

SUBJECT: Records Destruction Authorization

Distribution:

Original - DCI (Return to ISAS/RAB)

- 1 - ER w/atts**
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STAT

(P. PRESENT TO S. RES. 40, 91TH CONGRESS)

WASHINGTON, D.C. 20510

December 21, 1977

IN REPLY PLEASE
REFER TO Q#1237

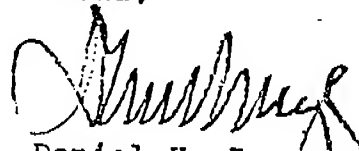
Admiral Stansfield Turner
Director
Central Intelligence Agency
Washington, D. C. 20505

Dear Admiral Turner:

On July 17, 1976 I requested that the moratorium on destruction of intelligence and investigative records originally requested by Senators Mansfield and Scott be extended through December 17, 1976. No further extensions have been formally requested. Therefore, all agencies maintaining records pursuant to the moratorium may return to normal records destruction policies.

I would request that any changes in records maintenance or destruction procedures affecting intelligence or investigations which have been promulgated since the moratorium was instituted as well as any future changes in procedures be brought to the attention of the Senate Select Committee on Intelligence.

Aloha,


Daniel K. Inouye
Chairman

Select Committee on Assassinations

U.S. House of Representatives

3301 HOUSE OFFICE BUILDING, ANNEX 2

WASHINGTON, D.C. 20515

May 17, 1978

The Honorable James B. Rhoads
Archivist of the United States
National Archives and Records Service
Washington, D. C. 20403

OLC #78-1064K

Dear Mr. Rhoads:

In connection with the Select Committee's investigation into the circumstances surrounding the deaths of President John F. Kennedy and Dr. Martin Luther King, Jr., I am writing with respect to the moratorium on the destruction of documents originally imposed on all Federal agencies by the Church Committee on January 27, 1975, and which was subsequently lifted by Chairman Inouye of the Senate Select Committee on Intelligence on December 21, 1977.

The Select Committee is aware of the tremendous burden placed on the agencies and, in particular, the National Archives and Records Service by this moratorium. Nevertheless, it is my understanding that it was voluntarily accepted and adhered to by everyone concerned.

Although this moratorium was not originally imposed by the Select Committee on Assassinations, we have requested that it be continued through December 31, 1978, with respect to all records and documents of the Central Intelligence Agency. Other arrangements have been worked out with the other agencies. After December 31, 1978, this Committee will have no objection to the Agency returning to the normal disposition of its records. In this connection, we also request that you suspend approval of existing schedules until December 31, 1978.

The Members of this Committee are cognizant that the CIA has made an effort to respond to the numerous requests from the Committee staff for access to documents that might have any bearing on our investigation, and we regret any adverse effect this request will have on the National Archives or the Agency.

Nevertheless, we feel that the risk, no matter how small, that a document relevant to our investigation might inadvertently be destroyed, cannot be justified in order to avoid an additional burden on the Agency or the Archives. Every file that this Committee requests access to has the potential of being pertinent in the final outcome of our investigation, and it is impossible, at any one point, to determine specifically which files we will need to see before the completion of our work. I think you will agree with me that it is extremely important that this Committee's investigation into the conduct of the intelligence community be conducted with both the appearance and the reality of thoroughness, fairness and objectivity, and that there not be either an appearance or the reality of the destruction of documents that might ultimately have some bearing on the outcome of the investigation.

The Select Committee is most appreciative of your cooperation in providing access to materials in the Archives, and your special efforts to preserve evidence that was deteriorating due to public access by withholding such evidence until such time as our staff has an opportunity to properly review it. We would be, therefore, most grateful for your assistance with this additional request.

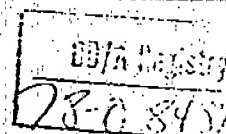
Sincerely,


LOUIS STOKES
Chairman

LS:dm

cc: Admiral Stansfield Turner.
Director of Central Intelligence

JUN 5 1978



Admiral Stanfield Turner
Director
Central Intelligence Agency
Washington, DC 20505

Dear Admiral Turner:

As you are aware, the Honorable Louis Stokes, Chairman at the House Select Committee on Assassinations, has requested that a temporary moratorium, extending through December 31, 1978, be imposed on the destruction of all records and documents in the custody of the Central Intelligence Agency (CIA), including those eligible for disposal under approved records disposition schedules. A copy of his letter is enclosed.

In accordance with 44 USC 2909, and 41 CFR 101-11.406-7(b), the Central Intelligence Agency is authorized to retain all disposable records and documents in its custody through December 31, 1978. This action is authorized because of the potential value of CIA records to the Select Committee's investigation into the circumstances surrounding the deaths of President John F. Kennedy and Dr. Martin Luther King, Jr. The National Archives and Records Service has no objection to CIA applying its approved disposition schedules to its records after that date.

Your cooperation in this important matter is appreciated.

Sincerely,

JAMES B. RHOADS
Archivist of the United States

Enclosure

cc: Honorable Louis Stokes

8 JAN 1979

Legislative Counsel

OLC 79-0013

Mr. Thomas K. Latimer, Staff Director
Permanent Select Committee on Intelligence
House of Representatives
Washington, D.C. 20515

Dear Tom:

The purpose of this letter is to advise you of the Agency's intent to proceed with authorized destruction of records. As you are probably aware, the CIA has statutory obligations (44 U.S.C. 33) to obtain approval of the Administrator of General Services for the retention and destruction of records. The mechanism for obtaining this approval is the submission of records control schedules to the National Archives and Records Service (NARS) for approval by the Archivist of the United States. In a memorandum dated 20 April 1976, the DCI directed that Agency records control schedules be updated by 30 September 1976 and processed through the Directorate of Administration for approval by NARS prior to the destruction of records. This has been accomplished and the Agency has had the NARS approval in hand for quite some time.

As you may also be aware, both the Senate and the House of Representatives have variously requested that "moratoriums" be declared on this destruction program. The most recent of these was the "moratorium" requested by the House Select Committee on Assassinations (HSCA), chaired by Representative Louis Stokes.

All of the externally imposed "moratoriums" on the destruction of records authorized by the Archivist of the United States have elapsed and the Agency is planning to commence with the normal destruction of records in accordance

with the records control schedules as approved by the Archivist.

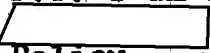
Please be assured that records which have been reviewed by the HSCA are subject to designation for retention by the CIA and will be exempted from this destruction process, as have Agency documents and materials that have been identified by the General Counsel as the subject of litigation or of possible litigation, or as of interest in matters under investigation by the Justice Department. Additionally, documents and materials relating to on-going FOIA and Privacy Act requests have also been exempted.

If you have any questions about any of the foregoing, please do not hesitate to contact me or one of the members of my staff.

Sincerely,

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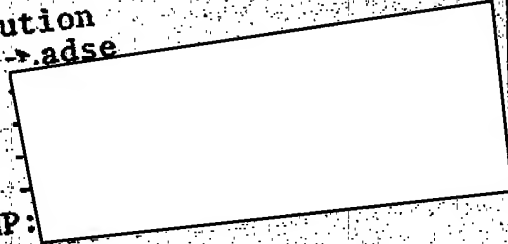
Frederick P. Hitz

P.S. I am also enclosing a copy of a Headquarters Notice  which sets forth the Agency Records Destruction Policy.

Enclosure

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THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D.C. 20505

Legislative Counsel

OLC 79-0013/a

8 JAN 1979

Mr. William G. Miller, Staff Director
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510

Dear Bill:

The purpose of this letter is to advise you of the Agency's intent to proceed with authorized destruction of records. As you are probably aware, the CIA has statutory obligations (44 U.S.C. 33) to obtain approval of the Administrator of General Services for the retention and destruction of records. The mechanism for obtaining this approval is the submission of records control schedules to the National Archives and Records Service (NARS) for approval by the Archivist of the United States. In a memorandum dated 20 April 1976, the DCI directed that Agency records control schedules be updated by 30 September 1976 and processed through the Directorate of Administration for approval by NARS prior to the destruction of records. This has been accomplished and the Agency has had the NARS approval in hand for quite some time.

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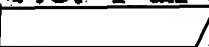
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Sincerely,

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Frederick P. Hitz

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Enclosure

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OLC:MMP:

8 JAN 1979

WASHINGTON, D.C. 20505

Legislative Counsel

OLC 79-0013/b

Mr. Ralph Preston
Subcommittee on Defense
Committee on Appropriations
House of Representatives
Washington, D.C. 20515

Dear Ralph:

The purpose of this letter is to advise you of the Agency's intent to proceed with authorized destruction of records. As you are probably aware, the CIA has statutory obligations (44 U.S.C. 33) to obtain approval of the Administrator of General Services for the retention and destruction of records. The mechanism for obtaining this approval is the submission of records control schedules to the National Archives and Records Service (NARS) for approval by the Archivist of the United States. In a memorandum dated 20 April 1976, the DCI directed that Agency records control schedules be updated by 30 September 1976 and processed through the Directorate of Administration for approval by NARS prior to the destruction of records. This has been accomplished and the Agency has had the NARS approval in hand for quite some time.

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Frederick P. Hitz

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OLC:MMP

THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D.C. 20505

Legislative Counsel

OLC 79-0013/c

8 JAN 1977

Mr. James A. Fellenbaum
Subcommittee on Defense
Committee on Appropriations
United States Senate
Washington, D.C. 20510

Dear Jim:

The purpose of this letter is to advise you of the Agency's intent to proceed with authorized destruction of records. As you are probably aware, the CIA has statutory obligations (44 U.S.C. 33) to obtain approval of the Administrator of General Services for the retention and destruction of records. The mechanism for obtaining this approval is the submission of records control schedules to the National Archives and Records Service (NARS) for approval by the Archivist of the United States. In a memorandum dated 20 April 1976, the DCI directed that Agency records control schedules be updated by 30 September 1976 and processed through the Directorate of Administration for approval by NARS prior to the destruction of records. This has been accomplished and the Agency has had the NARS approval in hand for quite some time.

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Sincerely,

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Frederick P. Hitz

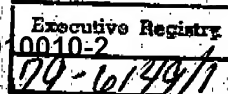
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This Notice Expires 1 April 1979

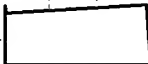
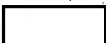
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INFORMATION AND RECORDS MANAGEMENT



6 FEB 1979

RECORDS DESTRUCTION POLICY

Effective immediately, the destruction of Agency records pursuant to the policy set forth in  is hereby authorized. This notice constitutes the second notice mentioned in paragraphs 1 and 2d of HN 

STATINT

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/s/ Stansfield Turner

STANSFIELD TURNER
Director

DISTRIBUTION: ALL EMPLOYEES (1-6)